

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID BRADBERRY,

Plaintiff,

-v.-

ABERCROMBIE & FITCH CO., et al.,

Defendants.

23 Civ. 09440 (JHR)

ORDER

JENNIFER H. REARDEN, District Judge:

On January 19, 2024, Defendants filed motions to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days following service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

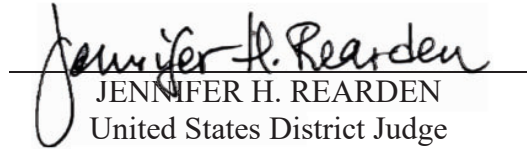
Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **Friday, February 9, 2024**. Pursuant to Rule 1.D of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jennifer-h-rearden>, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motions to dismiss.

If Plaintiff does amend, then by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file answers; (2) file a new motion or motions to dismiss; or (3) file a letter or letters on ECF stating that they rely on the previously filed motions to dismiss. If Defendants file answers or a new motion or motions to dismiss, the Court will deny the previously filed motions to dismiss as moot. If Defendants file a new motion or motions to dismiss or indicate that they rely on their previously filed motions, then any opposition(s) shall be filed within fourteen days, and any reply or replies shall be filed within seven days of any opposition(s).

If no amended complaint is filed, then Plaintiff shall file any opposition to the motions to dismiss by **Friday, February 9, 2024**. Defendants' replies, if any, shall be filed by **Tuesday, February 20, 2024**.

SO ORDERED.

Dated: January 22, 2024  
New York, New York

  
JENNIFER H. REARDEN  
United States District Judge